

**SEP 28 2007**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PEDRO SERRANO-FUENTES,

Defendant - Appellant.

No. 06-50489

D.C. No. CR-05-01974-NAJ

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Southern District of California  
Napoleon A. Jones, District Judge, Presiding

Submitted September 24, 2007<sup>\*\*</sup>

Before: CANBY, TASHIMA, and RAWLINSON, Circuit Judges.

Pedro Serrano-Fuentes appeals from the guilty-plea conviction and  
63-month sentence imposed for possession of marijuana with intent to distribute

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<sup>\*</sup> This disposition is not appropriate for publication and is not  
precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

and importation of marijuana, in violation of 21 U.S.C. §§ 841(a)(1), 952, and 960. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Serrano-Fuentes contends that the district court should have applied a downward adjustment for being a minor participant in the offense, pursuant to U.S.S.G. § 3B1.2. We conclude that the district court did not clearly err in declining to apply a minor role adjustment. *See United States v. Rosales-Rodriguez*, 289 F.3d 1106, 1112 (9th Cir. 2002) (affirming denial of minor role adjustment for defendant who carried a substantial amount of marijuana); *United States v. Davis*, 36 F.3d 1424, 1436-37 (9th Cir. 1994) (affirming denial of minor role adjustment for drug courier who expected to receive an economic benefit).

Serrano-Fuentes also contends that the district court erred in applying an enhancement for acting as a pilot, copilot, or captain of a vessel carrying a controlled substance, pursuant to U.S.S.G. § 2D1.1(b)(2)(B). We conclude that the district court did not clearly err in applying this enhancement. *See* U.S.S.G. § 2D1.1(b)(2)(B), cmt. n.8.

**AFFIRMED.**